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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,545	04/14/2000	Shawn Scotzin	REALNET.055A	8286

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EXAMINER

TRAN, CON P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,545

Applicant(s)

SCOTZIN ET AL.

Examiner

Con P. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 15-19, and 22-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Katz et al. U.S. Patent 6,356,971 (hereinafter, "Katz").

Regarding **claim 15**, Katz discloses system for managing multimedia discs, tracks and files on a standalone computer, in which the computer 100-Fig. 1 with display 110 is a music management system, comprising:

a plurality of music items (the directory pane 420-Fig. 4A shows a plurality of music items or songs, col. 6, lines 5-59);

an output device (the monitor 110-Fig. 1 on which the GUI 400-Fig. 4A is displayed);

a hierarchical graphical library tree (the directory pane 420 –Fig. 4A) that is displayed on the output device, the hierarchical graphical library tree graphically

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classifying the music items into one or more sets (first set including the title Gloria-left of Fig. 4A, the second set of music is stored within the disc 12 of the directory pane 420-Fig. 4A), the hierarchical graphical library tree having a plurality of nodes (each disc in the directory pane 420 is a node), each of the nodes being represented by either a graphical image or text (each disc, e.g., disc 12, is shown in text), one or more of the nodes being movable or copyable from a first location in the hierarchical graphical library tree to a second location in the hierarchical graphical library tree (a song, e.g. with title "Gloria" could be copy from the first disc to the disc 12th in the directory pane 420-Fig. 4A; col. 6, lines 5-59).

Regarding **claim 16**, Katz further discloses a first disc (node) displaying the title "Gloria", and additional songs (children nodes), see Fig. 4A.

Regarding **claim 17**, Katz further discloses the artist "Gloria Estefan" under the title, see Fig. 4A.

Regarding **claims 18-19**, Katz further discloses a first disc presented by artist Estefan (genre node) displaying the songs (children node), see Fig. 4A.

Regarding **claim 22**, Katz discloses system for managing multimedia discs, tracks and files on a standalone computer, in which the computer 100-Fig. 1 with

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display (110) is able to transmit songs to the CD-Rom changer (120; i.e., a music renderer; Fig. 1, col. 4, lines 8-30).

executing a program (the program 200-Fig. 2 is executed, col. 4, line 42 - col. 5, line 33) that provides a device integration application programming interface (the application program 210);

dynamically linking a device driver (a device driver 290-Fig. 2 is dynamically communicates to the program 200) to the program via the device integration application interface (via the application program 210; col. 4, lines 42-48);

requesting, via the device integration application interface, the device driver to store a selected music item on the music renderer (via the playlist database (d) of the application program 210, the user can request to store a selected song in the playlist to the CD-Rom changer 120-Fig. 1; col. 5, lines 1-33).

Regarding **claim 23**, Katz discloses the GUI program 220-Fig. 2, which shows in Fig. 4A-D, functioning as an electronic music player.

Regarding **claim 24**, this claim is essentially similar to Claim 22 and is rejected for the reasons stated above regarding that claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, and 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda U.S. Patent 6,594,740.

Regarding **claim 1**, Fukuda discloses recording/reproducing device and recording/reproducing method, in which the device 50-Fig. 1 is a music rendering system, and a recording/reproducing device connecting via the interfaces 34-35, Fig. 2 is considered a music renderer, comprising:

a music controller (a CPU 8-Fig. 2, see col. 8, lines 19-23) for managing at least one music item (the music title list, col.4-line 48 to col. 5-line 11), the music controller (the CPU 8-Fig. 2) providing a pre-defined interface (an interface 34-Fig. 2, col.11, lines 39-55) for connecting a device driver (the I/F driver 33-Fig. 2, col. 11, lines 39-55) to the music controller during the operation of the music controller;

Fukuda, however, does not teach at least one device driver that is in communication with the music controller via the interface (34), such that the device driver (33) would receive and transmit the music item to a recording/reproducing device.

One skilled in the art would recognize the advantage of employing one device driver of the I/F driver (33) such that the device driver (33) would receive and transmit the music from the music list to a recording/reproducing device.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a device driver at the interface driver (33) such that the device driver (33) would receive the music via the Internet and transmit the music to a recording/reproducing device or to an external music player as a way to produce additional song copies to a external device.

Regarding **claim 2**, the CD-Rom 54 includes track of music, col. 10, lines 25-34.

Regarding **claim 3**, the CD-Rom 54 includes songs, each includes a set of track.

Regarding **claim 20**, this claim is essentially similar to claim 1. Therefore, it is rejected under Fukuda for the same reasons set forth in the rejection of claim 1.

Regarding **claim 21**, Fukuda discloses the music renderer (disc recorder 81, Fig. 1) and the music controller (CPU 8-Fig. 2) are integrated together into a single executable object server (50 Fig. 1).

5. **Claims 4-12, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda U.S. Patent 6,594,740, in view of Katz et al. U.S. Patent 6,356,971 (hereinafter, "Katz").

Regarding **claim 4**, Fukuda discloses all claimed limitation, except an electronic music player for managing the music items, the electronic music player displaying a hierarchical graphical library tree that graphically classifies the music items into one or more sets, the electronic music player transmitting a selected set of music items to the music renderer upon a request from a user.

Katz discloses system for managing multimedia discs, tracks and files on a standalone computer, in which the computer 100-Fig. 1 with display 110 is an electronic music player for managing the music items such as songs, tracks.

The computer 100 displays a directory pane 420 –Fig. 4A that is graphical library tree graphically classifying the music items into one or more sets or CD disk, e.g., the first set including the title Gloria-left of Fig. 4A, the second set of music is stored within the disc 12 of the directory pane 420-Fig. 4A. A song, e.g. with title “Gloria” could be copy from the first disc to the disc 12th in the directory pane 420-Fig. 4A.

One skilled in the art would recognize the advantage of employing a directory tree (a hierarchical graphical library tree) graphically as taught by Katz, since the directory tree displays in order what items are included in the directory of one set of disc itself .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a computer displaying a directory tree that graphically classifies the songs and tracks into one disk or more as taught by Katz into the system of Fukuda such that a selected song could be moved or copied from the tree to a recording/reproducing device connected to the computer as desired.

Regarding **claim 5**, Fukuda further discloses the CPU 8-Fig. 2 functioning as a controller for the server (50) with disc recorder (81), Fig. 1.

Regarding **claim 6**, please see the rejection of claim 4. In Katz the description of the storage objects such as a song is displayed in the right side of Fig. 4A.

Regarding **claim 7**, in Fukuda an interface 34-Fig. 2, col.11, lines 39-55 (the predefined interface) inherently includes an interface that the CPU 8-Fig. 2 can request the I/F driver (33, a device driver) to provide the storage capacity of the storage devices such as the HDD 10, the CD-Rom drive 9.

Regarding **claim 8**, in Fukuda an interface 34-Fig. 2, col.11, lines 39-55 (the predefined interface) inherently includes an interface for requesting a recording song from the CD-Rom 9 to the HDD 10-Fig. 2, see Fig. 7-step 10, col. 15, line 55 to col. 16, line 37.

Regarding **claim 9**, in Fukuda the interface 34-Fig. 2 is capable of providing the number of tracks of song that are playing on the CD-Rom 9-Fig. 2.

Regarding **claims 10, and 12**, in Fukuda the interface 34-Fig. 2 comprises an interface such as memory 7-Fig. 2 for storing text, or lyric (storing artwork) with respect to the selected song on the CD-Rom 9-Fig. 2.

Regarding **claim 11**, in Fukuda the interface 34-Fig. 2 comprises an interface such as memory 7-Fig. 2 for showing time in term of second while recording (storing credits) with respect to the selected song on the CD-Rom 9-Fig. 2.

Regarding **claim 14**, the system of Fukuda is capable of copying a song from the HDD to the disk on the CD-Rom 9-Fig. 2 by converting the bit-rate speed of the songs recorded from the Internet which was stored in the HDD to the bit-rate speed compatible to the disk of the CD-Rom 9-Fig. 2.

6. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda U.S. Patent 6,594,740 in view of Yanagihara U.S. Patent 6,115,531.

Regarding **claim 13**, Fukuda teaches the system of Claim 1. However, the reference does not explicitly disclose wherein the predefined interface comprises an interface for defining a selected bit-rate with respect to the music renderer, the music renderer controller converting any received music items to the selected bit-rate before transmitting the music items to the music renderer via the device driver.

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Yanagihara teaches a method and apparatus for reproducing/recording at variable speeds dependent upon the bit rate of the MPEG encoded signal in which one program of the multiprograms is selected by rate conversion and format converting unit (9, Fig. 4), the bit rate of the selected program is detected and the appropriate mode is selected by a buffer and a dummy data adding circuit before transporting for reproducing (col. 8, lines 1-29).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate a rate conversion and format converting of Yanagihara teaching with recording/reproducing device of Fukuda for purpose reproduce the best picture during variable speed reproduction, as suggested by Yanagihara in column 7, lines 44-45.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran, whose telephone number is (703) 305-2341. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office at telephone number (703) 306-0377.

cpt CPJ
June 28, 2004


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER